

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 23 2008
at 8 o'clock and 50 min. AM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 08-277 BMK
)	
Plaintiff,)	CRIMINAL COMPLAINT
)	
vs.)	
)	
TODD DUNPHY ,)	
DAVID SACCULLO,)	
Defendants.)	
_____)	

CRIMINAL COMPLAINT

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about April 22, 2008, in the City and County of Honolulu, in the District of Hawaii, defendant Todd Dunphy and David Saccullo did knowingly and intentionally conspire to distribute more than 15 pounds of marijuana which is, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

I further state that I am a Task Force Officer with the Drug Enforcement Administration (DEA) and that this complaint is based on the following affidavit which is attached hereto and incorporated herein by reference.

DATED: HONOLULU, HAWAII: April 23, 2008.

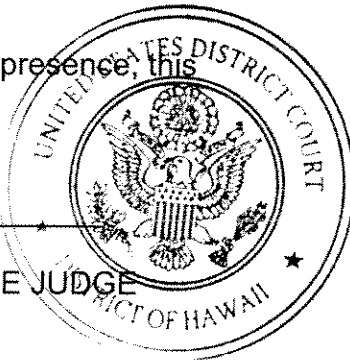


JOHN RILLING
TASK FORCE OFFICER, DEA

Sworn to and subscribed in my presence, this
23rd day of April, 2008:



KEVIN S.C. CHANG
UNITED STATES MAGISTRATE JUDGE



AFFIDAVIT OF JOHN RILLING

JOHN RILLING, after being duly sworn, deposes and says as follows:

1. I am presently a Task Force Officer with the U.S. Drug Enforcement Administration ("DEA"). I am currently assigned to the Hawaii Airport Task Force.

2. On April 22, 2008, while doing routine interdiction of incoming parcels at a shipping company, located in Honolulu, HI, DEA Task Force officers (HATF) observed a suspicious parcel. The parcels had several suspicious indicators so (HATF) had a Narcotic's detector canine inspect the parcel. The canine which is handled by Honolulu Police Department Officer Herb Nakamura alerted to the parcel which indicates the presence of illicit narcotics.

3. On April 22, 2008, while preparing a Federal Search for the subject parcel, FedEx security called the HATF office to make notification that a male who was later identified as David SACCULLO was present at the 129 Pohakulana Place to pick up the parcel that was seized.

4. On April 22, 2008, members of HATF proceeded to 129 Pohakulana Place to locate SACCULLO. SACCULLO was located as he exited the customer service area. TFO John Rilling and SA Richard Jones made contact with SACCULLO.

5. On April 22, 2008, SACCULLO agreed to cooperate and gave a verbal statement admitting that he mailed the parcel from San Francisco and knew that it contained marijuana. SACCULLO also stated that he drove himself in a rental vehicle to FedEx and pointed to a Cadillac bearing Hawaii license plate PSS-356.

6. On April 22, 2008, SACCULLO gave verbal consent for his rental vehicle to be searched. TFO Rilling searched the interior of the vehicle and observed a tracking number written down on an envelope. The tracking number matched that of the subject parcel.

7. On April 22, 2008, a Federal Search Warrant was obtained and executed on the subject parcel. The subject parcel was found to contain approximately seventeen (17) pounds of marijuana (confirmed by field-test). Based upon my training and experience, possession of this quantity of marijuana is not consistent with personal use but rather is more consistent with distribution.

8. On April 22, 2008, SACCULLO was arrested and transported to the HATF office. SACCULLO was read his constitutional rights via DEA-13A. SACCULLO stated that the parcel contained specific colored duffle type bags that contained marijuana. SACCULLO stated that he paid \$40,000 for 17 pounds of marijuana and would be reimbursed by Todd DUNPHY upon arrival in Honolulu.


9. SACCULLO stated that in March 2008, he met DUNPHY in California and purchased thirty (30) pounds of marijuana from a male named "Red". DUNPHY and SACCULLO packaged the marijuana and mailed it to an address in Hawaii which was provided by DUNPHY. DUNPHY paid SACCULLO ten thousand dollars for assisting DUNPHY in a total of three shipments that were made between March and April 2008.

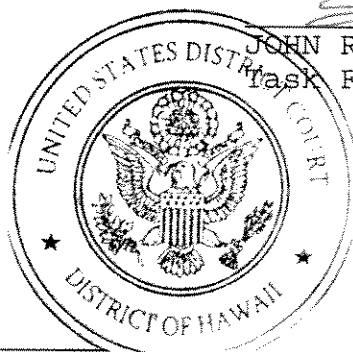
10. SACCULLO stated that in April 2008, he met "Red" for a second time at DUNPHY's direction. SACCULLO packaged fifteen to twenty pounds (15-20) of marijuana and mailed it to Honolulu, HI.

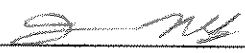
11. Marijuana is a scheduled I controlled substance. The amount of marijuana found in the subject parcel (33 pounds) is consistent with distribution amounts and in my experience is not for personal use.

FURTHER AFFIANT SAYETH NAUGHT.

Subscribed and sworn to
before me this 23rd day
of April, 2008.


KEVIN S.C. CHANG
United States Magistrate
District of Hawaii




JOHN RILLING
Task Force Officer, DEA